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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,350	12/07/2001	James D. Thackston	55536.000008	7865

7590 02/15/2005

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EXAMINER
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RAO, SHEELA S

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/005,350

Applicant(s)

THACKSTON, JAMES D.

Examiner

Sheela Rao

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-56 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 28-56 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Applicant's amendment filed November 23, 2004 has been entered and considered.
2. Claims 1-27 have been cancelled. Claims 28-56 have been newly added. Claims 28-56 are pending and presented for examination.

***Response to Amendment***

3. Examiner acknowledges the amendment made to the title of the instant invention.
4. The objection made to claims 1-27 as containing grammatical inconsistencies is withdrawn in light of the cancellation of claims 1-27.
5. The rejection of claims 1-3, 7, 10-12, 14, 19-21, and 25 under 35 § 102(a) as being anticipated by Bullen in USPN 6,292,712 is withdrawn in light of the cancellation of these claims.
6. The rejection of claims 4-6, 8-9, 13-15, 17-18, 22-24, and 26-27 under § 103(a) as being unpatentable over Bullen (USPN 6,292,712) in view of Marchak (USPN 6,138,104) is withdrawn in light of the cancellation of these claims.

***Specification***

7. The disclosure is objected to because of the following informalities: the disclosure is replete with grammatical errors and inconsistencies. For example, on page 19 of the specification at line 6, the illustrations of a Figure are stated but what drawing is being described has not been stated. In addition, at line 14 of page 19, the "digital signature" is stated as being element 121), which is not a valid number. These are a few of the inconsistencies that exist in the disclosure. Applicant is requested to thoroughly review and edit the specification. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 30, 32-36, 40-41, 44, 46, 48, 50, and 54-55 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The above stated dependent claims include limitations as to one who is to digitally sign the instructions as per the claimed invention. However, these "signers" have not been clearly identified in a manner to properly enable the claimed invention. Examples of which include: "a representative of ... one manufacturing vendor" as per claims 30 and 44, "a quality assurance inspector" as in claims 32, 34 46, and 48, "one representative of ... manufacturing services" as in claim 33, "an auditor business" as per claims 36 and 50, and "an independent auditor" as in claim 40 and 54. In addition, claims 35, 41, and 55 refer to "a central data store containing ... a digital signature", "validates and secures the ... digital signature", and "the steps of validating and securing ...one digital signature", respectively. These actions and/or steps have not been clearly identified and enabled for skilled artisans to make or use the invention in the instant specification.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when

the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. Claims 28-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Thackston in USPN 6,295,513 B1.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

The reference of prior art teaches a network-based system interfacing multiple user systems, which interface through a central server to undertake the design development effort. In doing so, the patented invention shows a server system that includes numerous databases which include data regarding the various aspects of the manufacturing process, see Figure 3. Figures 4-7 further depict the individual data modules. Based on the business relationships of each of the contributors, i.e. suppliers, consumers, etc. contracts are made and digital signatures are stored. The digital signatures are required for formalizing agreements between the users. A signature is obtained analogous to each process of verification. The signature is used as a means of signifying the concurrence of the terms of agreement. See col. 12: ll. 65 to col. 13: ll. 10, col. 13: ll. 37-42, col. 17: ll. 1-22, col. 20: ll. 66 to col. 21: ll. 14, col. 28: ll. 63, et seq., col. 35: ll. 63, et seq., and col. 51: ll.49-60.

With regard to the limitations, instant claims 30-41 and 44-55, that specify the signatories be representatives of the process that they are authorizing, it is inherent that a "quality assurance inspector" signs to assent to the quality of the product or process, or a financial auditor verifies the finances of the product or service, and a representative of the vendor accepts the order being offered. Someone associated with another department or duty would not accept the responsibility that a signature holds without having been assigned such responsibility.

For the reasons stated above, the limitations of the claimed invention is taught by the prior art of record; thereby, rendering the instant claims unpatentable.

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ghosh et al. USPN 6,741,265 B1

Day et al. USPN 6,684,212 B1

Applicant is advised to carefully review the cited art, as evidence of the state of the art, in preparation for responding to this Office action.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Friday from 9:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Art Unit: 2125**

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**Washington, D.C. 20231**

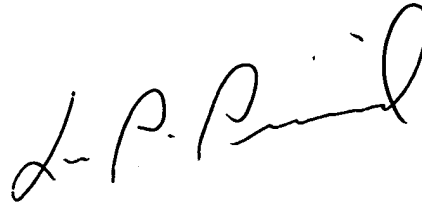
or faxed to:

**(703) 305-3718 for Official Communications**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Sheela S. Rao  
February 10, 2005



**LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**